

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0807-AIR-E TCEQ ID: RN102181526 CASE NO.: 35892
RESPONDENT NAME: Union Carbide Corporation

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: UCC Seadrift Operations, 7501 State Highway 185 North, Seadrift, Calhoun County

TYPE OF OPERATION: Chemical plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 22, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. David Pankratz, Vice President of UCC and Site Leader, Union Carbide Corporation, P.O. Box 186, Port Lavaca, Texas 77979
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 27, 2007</p> <p>Date of NOV/NOE Relating to this Case: April 22, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, an emissions event occurred on September 26, 2007 at the Large Flare Tip (Emission Point No. SD108) and at three unauthorized points, which lasted for 24 minutes, resulting in the release of 50 pounds ("lbs") of ethylene glycol, 80.48 lbs of carbon monoxide, 90.33 lbs of ethylene, 16,008.28 lbs of ethylene oxide, and 9.36 lbs of nitrogen oxides. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 48653, Special Condition No. 1].</p>	<p>Total Assessed: \$5,250</p> <p>Total Deferred: \$1,050 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,200</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant to address the emissions event that occurred on September 26, 2007:</p> <p>a. On October 8, 2007, installed a remotely operated bypass line around the Kenney Strainer to avoid future blocking of the cooling water supply;</p> <p>b. On October 8, 2007, permanently routed the Recover Vent Gas Compressor to the Large Flare Tip;</p> <p>c. On October 8, 2007, revised operating procedures to include procedures for loss of cooling water for rapid shutdown, to include operations presence when switching cooling water pumps, and to include emergency response for loss of utilities scenarios; and</p> <p>d. On March 26, 2008, revised operating procedures to include the No. Seven Cooling Water Pump as the primary, thus eliminating low flow in the sections of piping where organisms were suspected to have originated.</p>

Additional ID No(s): CB0028T



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

TCEQ
DATES

Assigned 28-Apr-2008
PCW 14-May-2008 Screening 14-May-2008 EPA Due 17-Jan-2009

RESPONDENT/FACILITY INFORMATION

Respondent Union Carbide Corporation
Reg. Ent. Ref. No. RN102181526
Facility/Site Region 14-Corpus Christi Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 35892 No. of Violations 1
Docket No. 2008-0807-AIR-E Order Type 1660
Media Program(s) Air Enf. Coordinator Bryan Elliott
Multi-Media EC's Team Enforcement Team 4
Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 30.0% Enhancement Subtotals 2, 3, & 7 \$1,500

Notes The penalty was enhanced due to one NOV for similar violations, 14 NOVs for dissimilar violations and one 1660 style order. The penalty was reduced due to nine NOAs and seven DOVs.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25.0% Reduction Subtotal 5 \$1,250

Before NOV NOV to EDRP/Settlement Offer
Extraordinary
Ordinary X
N/A (mark with x)

Notes The Respondent came into compliance by March 26, 2008.

Total EB Amounts \$125 0.0% Enhancement*
Approx. Cost of Compliance \$5,000 *Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$5,250

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$5,250

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$5,250

DEFERRAL

20.0% Reduction Adjustment -\$1,050

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$4,200

Screening Date 14-May-2008**Docket No.** 2008-0807-AIR-E**PCW****Respondent** Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 35892

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN102181526**Media [Statute]** Air**Enf. Coordinator** Bryan Elliott**Compliance History Worksheet**>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	7	-14%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%>> **Compliance History Summary****Compliance History Notes**

The penalty was enhanced due to one NOV for similar violations, 14 NOVs for dissimilar violations and one 1660 style order. The penalty was reduced due to nine NOAs and seven DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 14-May-2008		Docket No. 2008-0807-AIR-E		PCW	
Respondent Union Carbide Corporation		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35892		<small>PCW Revision April 29, 2008</small>			
Reg. Ent. Reference No. RN102181526					
Media [Statute] Air					
Enf. Coordinator Bryan Elliott					
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin Code § 116.115(c)(1), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 48653, Special Condition No. 1</div>			
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to prevent unauthorized emissions, as documented during an investigation conducted on October 27, 2007. Specifically, an emissions event occurred on September 26, 2007 at the Large Flare Tip (Emission Point No. SD108) and at three unauthorized points, which lasted for 24 minutes, resulting in the release of 50 pounds ("lbs") of ethylene glycol, 80.48 lbs of carbon monoxide, 90.33 lbs of ethylene, 16,008.28 lbs of ethylene oxide, and 9.36 lbs of nitrogen oxides. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.</div>			
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; padding: 2px;"></div>	x	<div style="border: 1px solid black; padding: 2px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">50%</div>
Potential	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">0%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$5,000</div>
					<div style="border: 1px solid black; padding: 2px;">\$5,000</div>
Violation Events					
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">1</div>
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; padding: 2px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$5,000</div>		
	monthly	x			
	quarterly	<div style="border: 1px solid black; padding: 2px;"></div>			
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>			
	annual	<div style="border: 1px solid black; padding: 2px;"></div>			
	single event	<div style="border: 1px solid black; padding: 2px;"></div>			
One monthly event is recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$125</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$5,250</div>
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$5,250</div>

Economic Benefit Worksheet**Respondent** Union Carbide Corporation**Case ID No.** 35892**Reg. Ent. Reference No.** RN102181526**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	26-Sep-2007	26-Mar-2008	0.50	\$125	n/a	\$125

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$125

Compliance History

Customer/Respondent/Owner-Operator:	CN601688781	Union Carbide Corporation	Classification: AVERAGE	Rating: 2.64
Regulated Entity:	RN102181526	UCC SEADRIFT OPERATIONS	Classification: AVERAGE	Site Rating: 0.46

ID Number(s):	AIR OPERATING PERMITS	PERMIT	1613
	AIR OPERATING PERMITS	PERMIT	2025
	AIR OPERATING PERMITS	PERMIT	2026
	AIR OPERATING PERMITS	PERMIT	2027
	AIR OPERATING PERMITS	PERMIT	2028
	AIR OPERATING PERMITS	PERMIT	2029
	AIR OPERATING PERMITS	PERMIT	2030
	AIR OPERATING PERMITS	PERMIT	2031
	AIR OPERATING PERMITS	PERMIT	2032
	AIR OPERATING PERMITS	PERMIT	2034
	AIR OPERATING PERMITS	PERMIT	2035
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CB0028T
	WASTEWATER	PERMIT	WQ0000447000
	WASTEWATER	PERMIT	TX0002844000
	WASTEWATER	PERMIT	TX0002844
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0290003
	AIR NEW SOURCE PERMITS	REGISTRATION	74682
	AIR NEW SOURCE PERMITS	REGISTRATION	72088
	AIR NEW SOURCE PERMITS	PERMIT	38028
	AIR NEW SOURCE PERMITS	PERMIT	38500
	AIR NEW SOURCE PERMITS	PERMIT	39318
	AIR NEW SOURCE PERMITS	PERMIT	40045
	AIR NEW SOURCE PERMITS	PERMIT	40183
	AIR NEW SOURCE PERMITS	PERMIT	40873
	AIR NEW SOURCE PERMITS	PERMIT	41379
	AIR NEW SOURCE PERMITS	PERMIT	41497
	AIR NEW SOURCE PERMITS	PERMIT	42294
	AIR NEW SOURCE PERMITS	PERMIT	42305
	AIR NEW SOURCE PERMITS	PERMIT	42530
	AIR NEW SOURCE PERMITS	PERMIT	42461
	AIR NEW SOURCE PERMITS	PERMIT	42767
	AIR NEW SOURCE PERMITS	PERMIT	42787
	AIR NEW SOURCE PERMITS	PERMIT	42462
	AIR NEW SOURCE PERMITS	PERMIT	42531
	AIR NEW SOURCE PERMITS	PERMIT	42083
	AIR NEW SOURCE PERMITS	PERMIT	22398
	AIR NEW SOURCE PERMITS	PERMIT	22397
	AIR NEW SOURCE PERMITS	PERMIT	22426
	AIR NEW SOURCE PERMITS	PERMIT	23070
	AIR NEW SOURCE PERMITS	PERMIT	23191
	AIR NEW SOURCE PERMITS	PERMIT	21471
	AIR NEW SOURCE PERMITS	PERMIT	22452
	AIR NEW SOURCE PERMITS	PERMIT	22453
	AIR NEW SOURCE PERMITS	PERMIT	24043
	AIR NEW SOURCE PERMITS	PERMIT	24514
	AIR NEW SOURCE PERMITS	PERMIT	26738
	AIR NEW SOURCE PERMITS	PERMIT	24227
	AIR NEW SOURCE PERMITS	PERMIT	28514
	AIR NEW SOURCE PERMITS	PERMIT	28647
	AIR NEW SOURCE PERMITS	PERMIT	30181
	AIR NEW SOURCE PERMITS	PERMIT	31160
	AIR NEW SOURCE PERMITS	PERMIT	31386
	AIR NEW SOURCE PERMITS	PERMIT	31855
	AIR NEW SOURCE PERMITS	PERMIT	31991
	AIR NEW SOURCE PERMITS	PERMIT	32345
	AIR NEW SOURCE PERMITS	PERMIT	32964
	AIR NEW SOURCE PERMITS	PERMIT	33509
	AIR NEW SOURCE PERMITS	PERMIT	33776
	AIR NEW SOURCE PERMITS	PERMIT	36631
	AIR NEW SOURCE PERMITS	PERMIT	43986
	AIR NEW SOURCE PERMITS	PERMIT	45158
	AIR NEW SOURCE PERMITS	PERMIT	45276
	AIR NEW SOURCE PERMITS	PERMIT	45338
	AIR NEW SOURCE PERMITS	PERMIT	45394
	AIR NEW SOURCE PERMITS	PERMIT	45441
	AIR NEW SOURCE PERMITS	PERMIT	45492
	AIR NEW SOURCE PERMITS	PERMIT	45719

AIR NEW SOURCE PERMITS	PERMIT	46016
AIR NEW SOURCE PERMITS	PERMIT	46163
AIR NEW SOURCE PERMITS	PERMIT	46441
AIR NEW SOURCE PERMITS	PERMIT	46454
AIR NEW SOURCE PERMITS	PERMIT	46611
AIR NEW SOURCE PERMITS	PERMIT	46804
AIR NEW SOURCE PERMITS	PERMIT	46922
AIR NEW SOURCE PERMITS	PERMIT	47091
AIR NEW SOURCE PERMITS	PERMIT	47264
AIR NEW SOURCE PERMITS	PERMIT	47787
AIR NEW SOURCE PERMITS	PERMIT	47822
AIR NEW SOURCE PERMITS	PERMIT	46967
AIR NEW SOURCE PERMITS	PERMIT	47896
AIR NEW SOURCE PERMITS	PERMIT	47875
AIR NEW SOURCE PERMITS	PERMIT	48826
AIR NEW SOURCE PERMITS	PERMIT	48709
AIR NEW SOURCE PERMITS	PERMIT	49609
AIR NEW SOURCE PERMITS	PERMIT	49720
AIR NEW SOURCE PERMITS	PERMIT	49401
AIR NEW SOURCE PERMITS	PERMIT	378
AIR NEW SOURCE PERMITS	PERMIT	451
AIR NEW SOURCE PERMITS	PERMIT	803
AIR NEW SOURCE PERMITS	PERMIT	1138
AIR NEW SOURCE PERMITS	PERMIT	1158
AIR NEW SOURCE PERMITS	PERMIT	1255
AIR NEW SOURCE PERMITS	PERMIT	1442
AIR NEW SOURCE PERMITS	PERMIT	1567
AIR NEW SOURCE PERMITS	PERMIT	1567A
AIR NEW SOURCE PERMITS	PERMIT	1567B
AIR NEW SOURCE PERMITS	PERMIT	1570A
AIR NEW SOURCE PERMITS	PERMIT	1616
AIR NEW SOURCE PERMITS	PERMIT	2023
AIR NEW SOURCE PERMITS	PERMIT	2025A
AIR NEW SOURCE PERMITS	PERMIT	2026A
AIR NEW SOURCE PERMITS	PERMIT	2027
AIR NEW SOURCE PERMITS	PERMIT	2301
AIR NEW SOURCE PERMITS	PERMIT	2556
AIR NEW SOURCE PERMITS	PERMIT	2607
AIR NEW SOURCE PERMITS	PERMIT	2731
AIR NEW SOURCE PERMITS	PERMIT	3074
AIR NEW SOURCE PERMITS	PERMIT	3075
AIR NEW SOURCE PERMITS	PERMIT	3513A
AIR NEW SOURCE PERMITS	PERMIT	3639
AIR NEW SOURCE PERMITS	PERMIT	6141A
AIR NEW SOURCE PERMITS	PERMIT	6361
AIR NEW SOURCE PERMITS	PERMIT	7404
AIR NEW SOURCE PERMITS	PERMIT	7405
AIR NEW SOURCE PERMITS	PERMIT	7924
AIR NEW SOURCE PERMITS	PERMIT	9422
AIR NEW SOURCE PERMITS	PERMIT	9537
AIR NEW SOURCE PERMITS	PERMIT	9609
AIR NEW SOURCE PERMITS	PERMIT	10541
AIR NEW SOURCE PERMITS	PERMIT	11257
AIR NEW SOURCE PERMITS	PERMIT	11441
AIR NEW SOURCE PERMITS	PERMIT	11446
AIR NEW SOURCE PERMITS	PERMIT	11448
AIR NEW SOURCE PERMITS	PERMIT	11549
AIR NEW SOURCE PERMITS	PERMIT	14682
AIR NEW SOURCE PERMITS	PERMIT	15764
AIR NEW SOURCE PERMITS	PERMIT	16330
AIR NEW SOURCE PERMITS	PERMIT	16644
AIR NEW SOURCE PERMITS	PERMIT	9609A
AIR NEW SOURCE PERMITS	PERMIT	19073
AIR NEW SOURCE PERMITS	PERMIT	19360
AIR NEW SOURCE PERMITS	PERMIT	22321
AIR NEW SOURCE PERMITS	PERMIT	38481
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CB0028T
AIR NEW SOURCE PERMITS	PERMIT	18773
AIR NEW SOURCE PERMITS	REGISTRATION	55167
AIR NEW SOURCE PERMITS	REGISTRATION	55168
AIR NEW SOURCE PERMITS	PERMIT	55645
AIR NEW SOURCE PERMITS	REGISTRATION	75395
AIR NEW SOURCE PERMITS	REGISTRATION	75529

AIR NEW SOURCE PERMITS	REGISTRATION	75724
AIR NEW SOURCE PERMITS	PERMIT	42529
AIR NEW SOURCE PERMITS	AFS NUM	4805700003
AIR NEW SOURCE PERMITS	PERMIT	PSDTX118M4
AIR NEW SOURCE PERMITS	PERMIT	48643
AIR NEW SOURCE PERMITS	PERMIT	48645
AIR NEW SOURCE PERMITS	PERMIT	48653
AIR NEW SOURCE PERMITS	PERMIT	70526
AIR NEW SOURCE PERMITS	PERMIT	70525
AIR NEW SOURCE PERMITS	REGISTRATION	70634
AIR NEW SOURCE PERMITS	EPA ID	PSDTX118M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX921
AIR NEW SOURCE PERMITS	PERMIT	54837
AIR NEW SOURCE PERMITS	PERMIT	54615
AIR NEW SOURCE PERMITS	PERMIT	56757
AIR NEW SOURCE PERMITS	PERMIT	54291
AIR NEW SOURCE PERMITS	PERMIT	52527
AIR NEW SOURCE PERMITS	PERMIT	51164
AIR NEW SOURCE PERMITS	REGISTRATION	72928
AIR NEW SOURCE PERMITS	PERMIT	41504
AIR NEW SOURCE PERMITS	PERMIT	51627
AIR NEW SOURCE PERMITS	REGISTRATION	74204
AIR NEW SOURCE PERMITS	REGISTRATION	74042
AIR NEW SOURCE PERMITS	PERMIT	73757
AIR NEW SOURCE PERMITS	REGISTRATION	74444
AIR NEW SOURCE PERMITS	REGISTRATION	74360
AIR NEW SOURCE PERMITS	REGISTRATION	74840
AIR NEW SOURCE PERMITS	EPA ID	PSDTX118M4
AIR NEW SOURCE PERMITS	REGISTRATION	77224
AIR NEW SOURCE PERMITS	REGISTRATION	77766
AIR NEW SOURCE PERMITS	REGISTRATION	77197
AIR NEW SOURCE PERMITS	REGISTRATION	76698
AIR NEW SOURCE PERMITS	REGISTRATION	77104
AIR NEW SOURCE PERMITS	REGISTRATION	77105
AIR NEW SOURCE PERMITS	REGISTRATION	78406
AIR NEW SOURCE PERMITS	REGISTRATION	78664
AIR NEW SOURCE PERMITS	REGISTRATION	78214
AIR NEW SOURCE PERMITS	REGISTRATION	79798
AIR NEW SOURCE PERMITS	REGISTRATION	80268
AIR NEW SOURCE PERMITS	REGISTRATION	80204
AIR NEW SOURCE PERMITS	PERMIT	80466
AIR NEW SOURCE PERMITS	REGISTRATION	81294
AIR NEW SOURCE PERMITS	REGISTRATION	82096
AIR NEW SOURCE PERMITS	PERMIT	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82006
AIR NEW SOURCE PERMITS	REGISTRATION	84449
AIR NEW SOURCE PERMITS	EPA ID	P118M2
AIR NEW SOURCE PERMITS	REGISTRATION	83878
AIR NEW SOURCE PERMITS	REGISTRATION	84018
AIR NEW SOURCE PERMITS	REGISTRATION	84497
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD041515420
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30129
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30129
GENERATION	(SWR)	
WATER LICENSING	LICENSE	0290003
WASTEWATER LICENSING	LICENSE	WQ0000447000
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	ID NUMBER	50190
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30129
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50190
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50190
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50190

Location:

7501 STATE HIGHWAY 185 N, SEADRIFT, TX, 77983

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region:

REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared:

May 06, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 06, 2003 to May 06, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bryan Elliott Phone: 236-6162

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006
Classification: Moderate

ADMINORDER 2005-1204-AIR-E

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Exceeded the permitted emission limits for carbon monoxide emissions from the Integrated Gas Turbine exhaust stack (EPN 97). Specifically, the permit allowable is 309.4 lbs/hr but emissions testing conducted September 14-16, 2004, measured emissions of from 314.26 to 339.35 lbs/hr.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 05/20/2003 (155662)

2 06/24/2003 (155666)

3 07/17/2003 (130611)

4 07/23/2003 (155670)

5 08/19/2003 (149706)

6 08/19/2003 (149698)

7 08/25/2003 (351694)

8 08/28/2003 (152240)

9 09/23/2003 (351696)

10 09/26/2003 (249845)

11 10/21/2003 (351698)

12 11/17/2003 (252870)

13 11/25/2003 (351700)

14 12/22/2003 (258110)

15 01/12/2004 (258409)

16 01/23/2004 (351703)

17 01/30/2004 (261097)

18 02/24/2004 (294434)

19 03/03/2004 (351702)

20 03/08/2004 (263504)

21 03/18/2004 (263503)

22 03/23/2004 (351689)

23 04/06/2004 (267637)

24 04/13/2004 (267936)

25 04/15/2004 (265124)

26 04/23/2004 (351690)

27 05/24/2004 (351691)

28 06/25/2004 (351692)

29 07/01/2004 (278485)

30 07/19/2004 (280940)

31 07/19/2004 (280321)

32 07/19/2004 (281387)

33 07/28/2004 (351693)

34	08/06/2004	(286842)
35	08/12/2004	(283740)
36	08/26/2004	(351695)
37	09/23/2004	(351697)
38	09/24/2004	(281577)
39	10/25/2004	(351699)
40	10/26/2004	(338990)
41	11/23/2004	(351701)
42	01/03/2005	(381664)
43	01/21/2005	(381665)
44	02/22/2005	(381663)
45	03/22/2005	(440607)
46	04/11/2005	(376791)
47	04/20/2005	(376552)
48	04/22/2005	(440608)
49	04/28/2005	(378957)
50	05/04/2005	(374502)
51	05/23/2005	(440609)
52	06/27/2005	(396996)
53	07/11/2005	(440610)
54	07/20/2005	(401139)
55	07/20/2005	(400994)
56	07/20/2005	(401192)
57	07/22/2005	(401368)
58	07/22/2005	(440611)
59	07/22/2005	(401338)
60	07/26/2005	(401464)
61	08/18/2005	(440612)
62	09/23/2005	(440613)
63	11/15/2005	(440614)
64	11/21/2005	(468075)
65	12/22/2005	(468076)
66	12/22/2005	(450172)
67	01/23/2006	(468077)
68	02/21/2006	(468071)
69	03/14/2006	(458910)
70	03/17/2006	(468072)
71	03/28/2006	(455321)
72	04/18/2006	(462836)
73	04/20/2006	(468073)
74	04/20/2006	(468074)
75	05/05/2006	(464818)
76	05/15/2006	(497964)
77	06/19/2006	(497965)
78	06/30/2006	(484936)
79	08/01/2006	(487528)
80	08/02/2006	(488601)
81	08/03/2006	(489742)
82	08/10/2006	(488311)

83	08/15/2006	(490042)
84	08/18/2006	(519978)
85	08/24/2006	(487920)
86	08/25/2006	(487143)
87	08/25/2006	(488591)
88	09/18/2006	(519979)
89	10/16/2006	(519980)
90	11/15/2006	(544222)
91	12/19/2006	(544223)
92	01/10/2007	(544224)
93	01/16/2007	(536218)
94	02/19/2007	(544221)
95	03/19/2007	(574838)
96	03/22/2007	(541978)
97	04/20/2007	(574839)
98	05/07/2007	(540369)
99	05/15/2007	(574840)
100	06/01/2007	(560922)
101	06/01/2007	(560906)
102	06/01/2007	(560928)
103	06/06/2007	(560929)
104	06/20/2007	(574841)
105	06/25/2007	(563041)
106	07/11/2007	(564935)

107 07/13/2007 (574842)
 108 07/24/2007 (539797)
 109 07/31/2007 (568211)
 110 08/09/2007 (566280)
 111 08/15/2007 (601453)
 112 08/20/2007 (570248)
 113 09/19/2007 (601454)
 114 10/19/2007 (601455)
 115 10/19/2007 (601456)
 116 11/13/2007 (600745)
 117 11/14/2007 (600744)
 118 11/19/2007 (619373)
 119 11/29/2007 (609981)
 120 12/12/2007 (610405)
 121 12/17/2007 (619374)
 122 12/18/2007 (600769)
 123 12/18/2007 (600775)
 124 12/28/2007 (612197)
 125 01/11/2008 (614119)
 126 01/16/2008 (614025)
 127 01/25/2008 (613339)
 128 02/02/2008 (614441)
 129 04/15/2008 (641871)
 130 04/15/2008 (641869)
 131 04/22/2008 (636661)
 132 04/30/2008 (646552)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 07/31/2003 (351694)
 Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 08/29/2003 (152240)
 Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)

Description: Failure to demonstrate that each piece of equipment is marked in such a manner that it can be distinguished readily from other pieces of equipment or that the RE was in compliance with an alternative method of marking.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.134(b)(1)

Description: Failure to submit a complete and correct Federal Operating Permit (Title V)

application.

Date 08/23/2004 (283740)
 Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(ii)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
 30 TAC Chapter 290, SubChapter F 290.119

Description: Failure to document pH meter and flow meter calibration records.

Date 01/31/2005 (381663)
 Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2005 (440607)
 Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date	08/31/2005	(440613)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/27/2006	(487528)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.146(1)			
Rqmt Prov:	OP Federal Operating Permit O-02032			
Description:	Failure to comply with the requirements of 30 TAC §122.146(1) for FOP O-02031.			
Date	08/24/2006	(487143)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP NSR Permit 378			
Description:	Failed to monitor each accessible valve by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer.			
Date	08/24/2006	(487920)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PA SC 11 PA SC10 OP STC 14 OP STC 9			
Description:	Failure to monitor valves for fugitive emissions at least quarterly in the Distribution Systems and the Ethylene Oxide/Glycol Unit.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A)			
Rqmt Prov:	OP General Terms & Conditions (GTC)			
Description:	Failure to submit in each of three Deviation Reports all instances of deviation, the probable cause of each deviation, and any corrective actions or preventative measures taken for the respective deviation.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(5)(D)			
Rqmt Prov:	OP General Terms & Conditions OP STC 11			
Description:	Failure to report correctly in the PCC (for the period of October 21, 2004 through October 20, 2005) the "identification of all other terms and conditions of the permit for which compliance was not achieved".			
Date	08/24/2006	(488591)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP TCEQ NSR Permit 2023			
Description:	UCC failed to monitor accessible valves by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer. Specifically, UCC discovered one 3/4" valve (Tag # 3Y25814) that was not included in the fugitive monitoring program.			
Date	06/25/2007	(563041)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP TCEQ Permit No. 1567/PSD-TX-118M4, SC 8B			
Description:	Failure to maintain a pilot flame on the large flare (EPN 246) as required by TCEQ NSR Permit Number 1577/PSD-TX-118M4, Special Condition 8B.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP TCEQ Permit No. 1567/PSD-TX-118M4, SC 14			
Description:	Failure to monitor 23 fugitive components (valves) as required by TCEQ NSR Permit Number 1577/PSD-TX-118M4, Special Condition 14F. These components were discovered to be omitted from the fugitive monitoring program.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP TCEQ Permit No. 1567/PSD-TX-118M4, SC14H			
Description:	Failure to repair a leaking component (sensory plug) within 15 days after the leak was found as required by TCEQ NSR Permit Number 1577/PSD-TX-118M4, Special Condition 14H.			
Date	07/31/2007	(601453)		
Self Report?	YES		Classification	Moderate

Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2007 (568211)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP TCEQ NSR Permit 2023		
Description:	UCC failed to monitor accessible valves by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer. Specifically UCC discovered three components, tag numbers, 500246, 3Y26850 and 500798 not included in the fugitive monitoring program.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP TCEQ NSR Permit 2023		
Description:	UCC failed to cap, blind flange, plug or second valve five open-ended valves.		
Date	08/10/2007 (566280)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	PA SC 10 F OP Special Terms & Conditions (STC) No. 14		
Description:	Failure to monitor valves for fugitive emissions at least quarterly. Five valves authorized in the Glycol Ethers Unit and two valves authorized in the Distribution Systems Area were not monitored quarterly as required by SC 10 of Air Permit No. 9537 and SC 6 of Air Permit No. 48645, respectively. Components (all physically located in the Distribution Systems Area) were not monitored in at least three various quarterly periods in a span from October 2005 through July 2006.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
Rqmt Prov:	OP General Terms & Conditions (GTC)		
Description:	Failure to submit in each of three Deviation Reports for FOP No. O-02028 all instances of deviation, the probable cause of each deviation, and any corrective actions or preventative measures taken for the respective deviation.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(5)(D)		
Rqmt Prov:	OP GTC OP STC No. 16		
Description:	Failure to report correctly in two PCCs regarding FOP No. O-02028 (for the period of November 25, 2004 through November 24, 2005 and November 25, 2005 through November 24, 2006) the "identification of all other terms and conditions of the permit for which compliance was not achieved".		
Date	05/05/2008 (646552)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP FOP O-02028 PERMIT TCEQ Air Permit Number 486455		
Description:	Failed to comply with a TCEQ Air Permit 48645 Special Condition 6F, the Federal Operating Permit O-02028 Special Term and Condition 14, 30 TAC §§116.115(c), 122.143(4), and 5C Texas Health and Safety Code §382.085(b). Specifically, in the period of November 25, 2003 to February 2, 2007 - two fugitive components (valves tag numbers 3Y35004 and 512864) missed one or more monitoring periods.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP FOP O-02028 PERMIT TCEQ Air Permit Number 48645		
Description:	Failure to prevent an open-ended line. On May 16, 2007 Union Carbide Corporation discovered an open-ended line. No visible evidence of leakage was observed. A cap was installed.		

Notice of Intent Date: 09/12/2005 (434807)

Disclosure Date: 04/10/2006

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174

Description: Failure to monitor 27 of the 349 connectors in the Butyls plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.178

Rqmt PERMIT Permit No. 0378, SC 1F

Prov:

Description: Failure to monitor 10 of 491 valves in the Butyls plant.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2

Rqmt PERMIT Permit No. 0378, SC 1G

Prov:

Description: Failure to monitor 2 of 9 pumps in the Butyls plant.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174

Description: Failure to monitor 40 of 553 connectors in the Acetates Plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.178

Rqmt PERMIT Permit No. 47787, SC 4F

Prov:

Description: Failure to monitor 78 of 426 valves in the Acetates plant.

Viol. Classification: Moderate

Rqmt PERMIT Permit No. 47787, SC 4F

Prov:

Description: Failure to monitor 1 of 10 pumps in the Acetates plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to monitor 2 of 15 relief valves in the Acetates plant.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174

Description: Failure to monitor 16 of 142 connectors in the Amines plant.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174

Description: Failure to monitor 254 of 1491 connectors in the Glycol Ethers Plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.178

Rqmt PERMIT Permit No. 9537, SC 10F

Prov:

Description: Failure to monitor 141 of 1011 valves in the Glycol Ethers Plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to monitor 4 of 19 pumps in the Glycol Ethers Plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Rqmt PERMIT Permit No. 9537, SC 10G

Prov:

Description: Failure to monitor 2 of 17 pressure relief valves in the Glycol Ethers Plant.

Notice of Intent Date: 03/10/2006 (460762)

Disclosure Date: 10/31/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report emissions calculations.

Notice of Intent Date: 12/12/2006 (536607)

Disclosure Date: 05/24/2007

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt PERMIT 9422, SC 9F

Prov:

Description: Failure to monitor 283 of 1133 valves in the Polypropylene Plant.

Notice of Intent Date: 03/26/2007 (557109)

Disclosure Date: 09/25/2007

Viol. Classification: Moderate

Citation: 1 THC Chapter 1 1.001(b)(1)

Description: Failure to monitor valves.

Notice of Intent Date: 04/02/2007 (636775)

No DOV Associated

Notice of Intent Date: 04/16/2007 (561312)

Disclosure Date: 11/19/2007

Viol. Classification: Moderate

Rqmt PERMIT 28M Permit 1577 SC14F

Prov:

PERMIT 28M Permit 6141 SC13F

PERMIT 28M Permit 6361 SC9F

Description: Catalyst Plant, Failure to monitor 549 of 3072 valves.

Viol. Classification: Moderate

Rqmt PERMIT 28 VHP Permit 3639 SC6F

Prov:

PERMIT 28 VHP Permit 6361 SC10F

Description: Catalyst Plant, Failure to monitor 40 of 896 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172

Rqmt PERMIT 28 VHP Permit 6361 SC10F

Prov:

Description: Catalyst Plant, Failure to monitor 49 of 57 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)

Rqmt PERMIT 28 VHP Permit 3639 SC10F

Prov:

Description: Catalyst Plant, Failure to monitor 244 of 472 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt PERMIT 28M Permit 18773 SC10F

Prov:

Description: Catalyst Plant, Failure to monitor 20 of 160 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1057(a)

Rqmt PERMIT 28M Permit 6361 SC9F

Prov:

Description: Catalyst Plant, Failure to monitor 18 of 108 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172

Rqmt PERMIT 28M Permit 1567 SC14F

Prov:

PERMIT 28M Permit 3639SC10F

PERMIT 28M Permit 6141SC13F

PERMIT 28M Permit 6361 SC9F

Description: Catalyst Plant, Failure to monitor 10 of 127 pressure relief valves.

Viol. Classification: Moderate

Rqmt PERMIT 28M Permit 1567 SC14G

Prov:

Description: Catalyst Plant, Failure to monitor 1 of 30 pumps.

Notice of Intent Date: 04/16/2007 (562563)

Disclosure Date: 09/25/2007

Viol. Classification: Moderate

Rqmt PERMIT 48645, SC 6F

Prov:

PERMIT 6141, SC 13F

PERMIT 9537, SC 9F

Description: Failure to monitor 50 out of 852 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)

Rqmt PERMIT 9537, SC 9F

Prov:

Description: Failure to monitor 50 out of 112 valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174

Description: Failure to monitor 14 of 282 connectors annually.

Viol. Classification: Moderate

Rqmt PA 9537, SC 9G

Prov:

Description: Failure to monitor 1 of 14 pumps.

Viol. Classification: Moderate

Rqmt PERMIT 6141, SC 13E

Prov:

Description: Failure to block by bouble valve, or cap or plug six valves attached to an atmospheric vent.

Notice of Intent Date: 08/03/2007 (574194)

Disclosure Date: 02/12/2008

Viol. Classification: Major

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(3)

Rqmt PERMIT 18773 SC10F

Prov:

PERMIT 6141 SC13F

PERMIT 6141A SC14F

Description: LDAR program, Failure to monitor various valves and pressure relief valves during 3rd quarter 96 - 4th quarter 07.

Notice of Intent Date: 03/17/2008 (640733)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
UNION CARBIDE CORPORATION
RN102181526**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0807-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Union Carbide Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical plant at 7501 State Highway 185 North in Seadrift, Calhoun County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 27, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Two Hundred Fifty Dollars (\$5,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Two Hundred Dollars (\$4,200) of the administrative penalty and One Thousand Fifty Dollars (\$1,050) is deferred contingent upon the Respondent's

timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant to address the emissions event that occurred on September 26, 2007:
 - a. On October 8, 2007, installed a remotely operated bypass line around the Kenney Strainer to avoid future blocking of the cooling water supply;
 - b. On October 8, 2007, permanently routed the Recover Vent Gas Compressor to the Large Flare Tip;
 - c. On October 8, 2007, revised operating procedures to include procedures for loss of cooling water for rapid shutdown, to include operations presence when switching cooling water pumps, and to include emergency response for loss of utilities scenarios; and
 - d. On March 26, 2008, revised operating procedures to include the No. Seven Cooling Water Pump as the primary, thus eliminating low flow in the sections of piping where organisms were suspected to have originated.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 48653, Special Condition No. 1, as documented during an investigation conducted on October 27, 2007. Specifically, an emissions event occurred on September 26, 2007 at the Large Flare Tip (Emission Point No. SD108) and at three unauthorized points, which lasted for 24 minutes, resulting in the release of 50 pounds ("lbs") of ethylene glycol, 80.48 lbs of carbon monoxide, 90.33 lbs of ethylene, 16,008.28 lbs of ethylene oxide, and 9.36 lbs of nitrogen oxides. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Union Carbide Corporation, Docket No. 2008-0807-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

8/29/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

David Pankratz
Signature

6/25/08
Date

David Pankratz
Name (Printed or typed)
Authorized Representative of
Union Carbide Corporation

VP of UCC and
Title Site Leader

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

20/20/00
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